

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 2:23-cr-20229-JPM
v.)	
)	
DERRICK RICHARD,)	
)	
Defendant.)	

ORDER CONTINUING TRIAL SETTING

Parties were set to be before the Court for a Status Conference on Friday, September 6, 2024 to discuss resetting the trial. (ECF No. 54.) A trial is set for September 9, 2024. (ECF No. 49.) On September 3, 2024, Defendant submitted two motions in limine. (ECF No. 52-54.) The United States has not yet responded. A high-profile, multi-defendant trial is set to begin in the Odell Horton Federal Building on September 9, 2024. See United States v. Tadarrius Bean et al., Case No. 2:23-cr-20191 (W.D.TN). That trial is anticipated to require a venire of more than one hundred individuals and jury selection process of several days. Substantial media and community presence in and around the courthouse is likewise anticipated.

Defendant faces a risk of prejudice given the stresses of the substantial simultaneous venire on the jury pool, potential jurors' ability to park and clear security screening at the courthouse, and the risk potential jurors would be biased by the presence of unrelated media or protests outside the courthouse. Accordingly, "failure to grant a continuance in the proceeding"

risks “a miscarriage of justice.” 18 U.S.C.A. § 3161(h)(7)(A). Given the brief nature of the continuance, the “ends of justice served . . . outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C.A. § 3161(h)(7). Accordingly, and to provide time for full briefing and disposition of the pending Motions in Limine, the trial in this case is **RESET to October 21, 2024**. Time is excluded through October 21, 2024 pursuant to 18 U.S.C.A. § 3161(h)(1)(D); (h)(1)(H), and (h)(7).

SO ORDERED, this 6th day of September, 2024.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE